

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEMO ENDORSED

360 N. RODEO DRIVE, LP, a California
limited partnership,

Plaintiff,

- against -

WELLS FARGO BANK, NATIONAL
ASSOCIATION, AS TRUSTEE FOR THE
BENEFIT OF THE HOLDERS OF COMM
2017-COR2 MORTGAGE TRUST
COMMERCIAL MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2017-
COR2; MIDLAND LOAN SERVICES, A
DIVISION OF PNC BANK, NATIONAL
ASSOCIATION; and DOES 1 through 10,

Defendants.

Case No. 1:22-cv-00767-ER

**PLAINTIFF'S RESERVATION OF
RIGHT TO MOVE FOR JURY TRIAL**

Plaintiff 360 N. Rodeo Drive Limited Partnership ("Plaintiff") respectfully submits this statement reserving its right to seek leave to try its claims in the above-captioned litigation to a jury.

By way of brief context, Plaintiff had anticipated receiving discovery from Defendants in time to file a motion on this issue by June 30, 2023, and as a result anticipated being in a position to file a motion on this issue by June 30, 2023. (Dkt. 38.) However, to date, Defendants have not produced a single document in this litigation. While the parties have been productively meeting and conferring to resolve outstanding discovery disputes, because Plaintiff has not actually obtained any documents or other information in discovery to date, Plaintiff intends to move to amend its Complaint and/or to argue that the relevant claims merit a jury trial at a later date.

As a result of the foregoing, Plaintiff does not intend to move to have the above-captioned matter tried to a jury by the initial date contemplated, and hereby reserves the right to seek leave to try its claims to a jury at a later date after discovery has been produced in this litigation.

Dated June 30, 2023

ROSS LLP

By: /s/ Richard A. Schwartz

Peter W. Ross (*admitted Pro Hac Vice*)

Richard A. Schwartz (*admitted Pro Hac Vice*)

1900 Avenue of the Stars, Suite 1225

Los Angeles, CA 90067

Phone: (424) 704-5600

Fax: (424) 704-5680

Email: pross@rossllp.la
rschwartz@rossllp.la

COHN LIFLAND PEARLMAN

HERRMANN & KNOPF, LLP

Matthew F. Gately

Park 80 West Plaza One

250 Pehle Avenue, Suite 401

Saddle Brook, New Jersey 07663


Telephone: (201) 845-9600

Facsimile: (201) 845-9423

Email: mfg@njlawfirm.com

Attorneys for 360 N. RODEO DRIVE, LP

By no later than Friday, July 21, 2023, Plaintiff is directed to inform the Court the anticipated length of the instant request. Additionally, the parties are directed to meet and confer regarding the request. IT IS SO ORDERED.


Edgardo Ramos, U.S.D.J.
Dated: July 14, 2023
New York, New York